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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/633,005

07/31/2003

Bohumil Lojek

ATM-260

8962

3897

7590

05/17/2004

SCHNECK & SCHNECK

P.O. BOX 2-E

SAN JOSE, CA 95109-0005

EXAMINER

GEYER, SCOTT B

ART UNIT

PAPER NUMBER

2829

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,005

Applicant(s)

LOJEK, BOHUMIL

Examiner

Scott B. Geyer

Art Unit

2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1103.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The references cited within the IDS submitted 11-4-03 have been considered.

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2. This application is in condition for allowance except for the following formal matters:

Drawings

2A. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

Figure 5: numerals 41, 52, 56, 58

Figure 7: numeral 41

Figure 12: numeral 41

Figure 15: numeral 93

Figure 16: numeral 41

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2B. The disclosure is objected to because of the following informalities:

Page 6: **include brief description of drawing figure 17;**

Page 9, line 21: numeral "55" is not in figure 8;

Page 9, line 35: change "third capping dielectric layer 77" to - - third poly layer 77 - -.

Appropriate correction is required.

Claim Objections

2C. Claim 7 is objected to because of the following informalities:

Line 8: change "body and the" to - - body and then - -.

Appropriate correction is required.

/

Allowable Subject Matter

3. Claims 1-15 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter. The prior art of record and to the examiner's knowledge does not teach or render obvious, at least to the skilled artisan, the instant invention regarding:

A multi-element floating gate EEPROM device including source and drain regions wherein the drain region is larger than the source region, and having a metal plug extending through a polysilicon cap and the main polysilicon body (i.e. gate) in combination with the other claim limitations, as recited in independent claim 1. Claims 2-6 are dependent upon claim 1.

A method of making a multi-element floating gate EEPROM device wherein three distinct layers of polysilicon are deposited, wherein the second polysilicon layer deposited is patterned to form spacers adjacent the gate, and in conjunction with a metal plug which is made through the polysilicon cap layer and the main polysilicon

body (i.e. gate), in combination with the other claim limitations, as recited in independent claim 7. Claims 8-10 are dependent upon claim 7.

A method of making a floating gate EEPROM device, including forming source and drain regions by implanting, wherein the drain region is larger than the source region, and including depositing three distinct polysilicon layers, wherein the second polysilicon layer deposited is patterned into spacers adjacent the floating gate, and also including forming a metal plug through a polysilicon cap layer to contact the floating gate, in combination with the other claim limitations, as recited in independent claim 11. Claims 12-15 are dependent upon claim 11.

Conclusion

5. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott B. Geyer whose telephone number is (571) 272-1958. The examiner can normally be reached on weekdays, between 10:00am - 6:30pm. E-mail: scott.geyer@uspto.gov

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2829

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBG
May 7, 2004

W. O. G.

5/7/04

David A. Zameke
David A. Zameke
Primary Examiner
5/7/04